

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

68-CR-3

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p>vs.</p> <p>Lester Don Abernathy, and Carl William Wolf,</p>	<p><i>For U. S.:</i> James E. Ritchey</p> <p><i>For Defendant:</i> Joseph G. Breaune, <i>K125755</i> Miami, Oklahoma <i>May 7</i></p>

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed <i>1-31-68</i>	Clerk					
J.S. 3 mailed <i>2-29-68 Abernathy</i> <i>5-31-68 Wolf</i>	Marshal					
Violation BankRobbery	Docket fee					
Title 18						
Sec. 2113 (a) (d)						

DATE	PROCEEDINGS
1-9-68	Waiver of Indictment filed by Carl William Wolf.e
1-9-68	Waiver of Indictment filed by Lester Don Abernathy.
1-9-68	Information, filed. e
1-9-68	Hearing on oral application to reduce bonds. Bond of Carl William Wolf reduced to \$15,000.00 with \$1,500.00 cash to be deposited in Register of Court and defendant restricted to NDokla, Kansas City, Kansas and Kansas City, Mo. Bond of Lester Don Abernathy reduced to \$25,000.00 with \$8,000.00 property of defendant to be scheduled and \$2,500.00 deposited in Register of Court, defendant restricted to NDokla and Kansas City, Mo. (AEB-J) e
	Defendants each arraigned and each enter a plea of Not Guilty. (AEB-J) @
1-11-68	Bond of Carl William Wolf amount \$15,000.00 (10% or \$1500.00) deposited in Registry) filed. e
1-11-68	Order specifying methods and conditions of release of Carl William Wolf, filed. e
1-25-68	Order and return filed as to defendant Lester Don Abernathy. It is ordered that USM transport defendant to Miami, Okla. for conference with his attorney. Return filed that defendant transported to Miami,

DATE	PROCEEDINGS
	Oklahoma for conference with his attorney and returned to Tulsa County Jail on 1-24-68. (\$3.00)h
1-25-68	Case set for jury trial on Monday, 2-5-68 at 9:30 A.M.(AEB-J)h
1-30-68	Defendants each present in person and each represented. Defendant Lester Don Abernathy withdraws plea of Not Guilty and enters a plea of GUILTY; defendant adjudged GUILTY as charged. Defendant Carl William Wolf withdraws plea of Not Guilty and enters plea of GUILTY; adjudged GUILTY as charged. Defendant Carl William Wolf requests psychiatric examination to further help court in sentence. Court directs that after probation officer has read report from Veteran's Hospital that defendant will furnish, and he determines that he needs further examination, this will be accomplished by a local psychiatrist with the defendant as an out-patient. This case stricken from jury assignment and set for sentence as to each defendant on Thursday 2-15-68 at 10:00 A.M.(AEB-J)h
2-15-68	Defendants each present in person and each represented.
	<p style="text-align: center;">Judgment and Sentence- Lester Don Abernathy(43)</p> <p style="text-align: center;">Attorney General- 3 years.</p>
	It is ordered by the court that the defendant Carl Wm. Wolf is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment in accordance with T. 18 USCA § 4208(b) for evaluation and diagnostic study to further court in passing sentence; a report to be made within 90 days. (Allen E. Barrow-Judge)h
2-15-68	Order of J&C as to defendant Lester Don Abernathy filed & entered. (AEB-J)h
2-15-68	Two c.c. of J&C as to defendant Abernathy delivered to USM. h
2-15-68	Order filed that Clerk is authorized and directed to reimburse to Velma R. Wolf and Joseph G. Breane the sum of \$1500.00 case appearance bond deposited on 1-11-68 for Carl Wm. Wolf, the defendant above named.(AEB-J)h
2-15-68	Order filed that the USM deliver defendant Carl Wm. Wolf to U.S. Medical Center at Springfield, Mo. for purpose of conducting an examination as provided in T. 18, USC § 4208(b). further ordered that authorities in Springfield file a report within 90 day period from this date; FURTHER ORDERED that defendant be held by authorities in Springfield, Mo. until further order of this court. (Allen E. Barrow-Judge)h
2-23-68	Return on service of order as to defendant Carl Wm. Wolf, filed.
	Executed by transporting Carl Wm. Wolf from the Tulsa Co. Jail, Tulsa, Oklahoma to the U.S. Med. Center, Springfield, Mo. on 2-18-68.(USM-58.35)h
2-27-68	Return on service of J&C filed. Executed by delivering defendant Lester Don Abernathy to Fed. Correctional Inst., at Seagoville, Texas. h
5-15-68	Hearing as to defendant Carl Wolf set for Thursday 5-16-68 at 10:00 A M.(AEB-J)h
5-16-68	Defendant/present in person and represented. The defendant having been convicted upon his plea of guilty and having on 2-15-68 been committed to the custody of the Attorney General pursuant to 18 U.S.C.A. §4208(b) for a study as described in 18 U.S.C A. §4208(c), and the Court having now received and considered the report of such study, IT IS ADJUDGED that the period of imprisonment heretofore imposed is reduced to a period of Ten(10) years, as provided in T. 18, U S.C. 4208(a)(2)).
	It is further ordered by the court that the defendant may become eligible for parole at such time as the board of parole may determine as provided in T 18, U.S C. 4208(a)(2).
	FURTHER ORDERED that the defendant be delivered back to U.S.Med. Center, in Springfield , Mo., as indicated by the authorities at Springfield, Mo. (Allen E Barrow-Judge)h
5-16-68	Order of J&C filed and entered., copies delivered USM.h (Cont'd)

D. C. 109A
CRIMINAL DOCKET

DATE	PROCEEDINGS
5-21-68	Return on J&C filed. Executed by assuming custody of Carl William Wolf at Tulsa County Jail, Tulsa, Oklahoma, and transferring him to the U. S. Medical Center, Springfield, Missouri. ds
5-21-68	Motion of defendant Lester Don Abernathy to modify sentence pursuant to Rule 35, filed. g
5-21-68	Order modifying sentence of Lester Don Abernathy to 3 Yrs. imprisonment pursuant to 18:USCA 4208(a)(2), filed & entered. (AEB-J)g
6-5-68	Application (letter) of Carl William Wolfe for copy of Indictment etc., be furnished in forma pauperis, filed. js
6-5-68	Application for copy of indictment, etc., in forma pauperis denied, filed. (AEB-J)js
8-16-68	Order for two guns to be returned to Sheriff William F. Schuelein, filed. (AEB-J)js
9-4-68	Petition of Carl W. Wolf for reduction and modification of sentence, filed. e
9-11-68	Petition of Carl W. Wolf for reduction and modification of sentence, overruled. (AEB-J)e
4-21-70	Transcript of proceedings on January 9, 1968, reduction of bond and arraignment of defendant Wolf; filed. (LEM-Rptr.)g
4-21-70	Transcript of proceedings on January 30, 1968, change of plea and request for psychiatric examination by defendant Wolf, filed. (LEM-Rptr.)
4-21-70	Transcript of proceedings on February 15, 1968, commitment of defendant Wolf, filed. (LEM-Rptr)g
4-21-70	Transcript of proceedings on May 16, 1968, reduction of sentence as to defendant Wolf, filed. (LEM-Rptr.)g
6-24-70	Motion of Wolf to be furnished with copies of court records, and affidavit of poverty, filed by petitioner, Carl W. Wolf. ds
7-8-70	Order, filed, that petitioner's motion to be furnished with copies of Court records at govt. expense is overruled. (AEB-J)m (copy to petitioner & U.S. Atty.) Wolf
7-27-70	Order granting/leave to file notice of appeal, filed. g
7-27-70	Notice of appeal (from order denying copies of records at govt. expense), filed. Cpy to USCA and US Attorney. g
8-4-70	Appeal record (orig. + 3 copies) sent to USCA. g
12-3-70	C.C. of Order and Opinion constituting Mandate of USCA, 10th Circuit, affirming judgment of 2-15-68, filed & spread of record. g

DATE	PROCEEDINGS

UNITED STATES COMMISSIONER
NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Charles F. Burns
(Name of commissioner)

Miami, Oklahoma,
(Address)

COMMISSIONER'S
DOCKET No. 1 CASE No. 324
THE UNITED STATES
VS.

Lester Don Abernathy

Complaint filed on 1-7-68, 19____, by Donald H. Sloat,
Official title Special Agent, FBI charging violation of
United States Code, Title 18, Section 2113(a) on 1-5-68
19____, at Quapaw, Okla in the Miami
division of the Northern district of Oklahoma
as follows: unlawfully, willfully, feloniously and by

force, violence and intimidation enter the Bank of
Quapaw, Quapaw, Oklahoma, and did take from the per-
son and presence of another monies belonging to and
in the care, custody, control, management and posses-
sion of the Bank of Quapaw, said Bank being insured
by the Federal Deposit Insurance Corporation, and in com-

mitting the offense such offenses as charged did put in jeopardy the life of person
in the bank by the use of firearms. The above offenses being in violation of the
WARRANTS OR SUMMONS ISSUED: statutes of the United States of America.

Date 1-7-68 Warrant/Summons for Lester Don Abernathy
(Name of defendant)

to (name and title of officer) U. S. Marshal etc
Substance of return Recd Jan 7, 1968 & executed by arrest of Lester Don Abernathy
at Miami, Oklahoma, 1-7-68,
Date 1-7-68 Warrant/Summons for _____

to (name and title of officer) _____
Substance of return _____

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date 1-7-68 Arrested by Stuart A. Senneff, Jr on warrant of Charles F. Burns
Special Agent, FBI U. S. Comm'r. (Name of issuing officer)
without warrant.

Appearances { for United States None (Name) (Address)
for accused Joseph G. Breaune, Miami, Oklahoma. (Name) (Address)

Proceedings taken complaint filed. Warrant issued. Warrant served by Stuart A.

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
Nenneff, Jr., Special Agent, FBI. Deft present in open court and represented by

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
counsel, Joseph G. Breaune, and advised of his rights. Deft waived preliminary

if that is the fact; any adjournments taken, etc.
hearing and deft's bond was fixed in the amount of \$50,000.00 for his appearance
at Tulsa, Oklahoma, and on his failure to make said bond he was remanded to the cus-
tody of the U. S. Marshal for delivery to Tulsa, Oklahoma, for further proceedings
before the U. S. District Judge at Tulsa, Oklahoma.

Outcome Bound over to U. S. District Court at Tulsa, Oklahoma.

Bail fixed 1-7-68, 19____ Amount, \$ 50,000.00 Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19____, [or] committed to _____
on _____, 19____

Tulsa, Oklahoma.

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____
_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____
_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____ Appearances for

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken_____

Outcome

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 7th day of January, 19 68

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma January 8, 1968, 19____

Charles F. Quinn

United States Commissioner.

UNITED STATES COMMISSIONER
NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Charles F. Burns Miami, Oklahoma,
(Name of commissioner) (Address)

COMMISSIONER'S
DOCKET No. 1 CASE No. 323
THE UNITED STATES
vs.

Carl William Wolf

Complaint filed on 1-7-68, 1968 by Donald H. S at
Official title Special Agent, FBI 2113 charging violation of
United States Code, Title 18, Section 241 on 1-5-68
1968, at Guapaw, Okla in the Miami
division of the Northern district of Oklahoma

as follows: unlawfully, willfully, feloniously and
force, violence and intimidation enter the bank of
paw, Guapaw, Oklahoma, and did take from the person
and presence of another monies belonging to and in
care, custody, control, management and possession of
the bank of Guapaw, said bank being insured by the Fed
eral Deposit Insurance Corporation, and in committing

the offense such offenses as charged did not jeopardy the life of persons in the
bank by the use of firearms. The above offenses being in violation of the statutes
of the United States of America.

WARRANTS OR SUMMONS ISSUED:
Date 1-7-68 Warrant/Summons for Carl William Wolf
(Name of defendant)

to (name and title of officer) U. S. Marshal etc
Substance of return Recd Jan 7, 1968, at Miami, Okla & executed by arrest of Carl
William Wolf at Miami, Okla on Jan 7, 1968.
Date 1-7-68 Warrant/Summons for Carl William Wolf
(Name of defendant)

to (name and title of officer) U. S. Marshal etc
Substance of return Recd Jan 7, 1968, at Miami, Okla & executed by arrest of Carl
William Wolf at Miami, Okla on Jan 7, 1968.
Date 1-7-68 Warrant/Summons for Carl William Wolf
(Name of defendant)

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date 1-7-68 Arrested by Richard T Roberts NOBLE C. HOOD
Special Agent, FBI U. S. Commr. (Name of issuing officer)
without warrant.

Appearances { for United States None (Name) (Address)
for accused None (Name) (Address)

Proceedings taken January 7, 1968: (Name) (Address)
Complaint filed. Warrant issued and served on deft., Carl Will

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
iem Wolf. Deft present in open court without counsel. Deft advised of charge

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing"; "preliminary examination waived,"
against him and his right to be represented by counsel. Deft requested that the

if that is the fact; any adjournments taken, etc.
hearing on arraignment be continued to January 8, 1968 at 10:00 A. M., Deft's bond

fixed at \$50,000.00 and remanded to the custody of the FBI at Miami, Oklahoma.

January 8, 1968, deft present in open court without counsel and requested that he

be allowed to execute the Waiver of Counsel which he did in open court after being

advised of his constitutional rights and the charge against him. Deft thereupon

waived his right to a preliminary hearing and the defendant was bound over to U. S.

District Court at Tulsa, Oklahoma, for further proceedings at that point. Deft ex

mplained that he would have an attorney from Kansas City, Missouri, to represent him

at Tulsa, Oklahoma. Deft remanded to the custody of U. S. Marshal for delivery to

Tulsa, Oklahoma, after deft failed to make the \$50,000.00 previously fixed.

Bail fixed 1-8-68, 1968 Amount, \$ 50,000.00 Bonded 1968, by cash
deposited by (name) 1-8-68 Address Tulsa, Oklahoma,
transmitted to clerk of district court 1-8-68, 1968 [or] by surety
(name) 1-8-68 Address Tulsa, Oklahoma,
(name) 1-8-68 Address Tulsa, Oklahoma,
justified by affidavit dated 1-8-68, 1968, [or] committed to Tulsa, Oklahoma,
on 1-8-68, 1968

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____Appearances for

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing_____names certified to United States Marshal for payment_____, 19____
Proceedings taken_____

Outcome_____

Bail fixed_____, 19____. Amount, \$_____. Bonded_____, 19____, by cash
deposited by (name)_____. Address_____.
transmitted to clerk of district court_____, 19____.
[or] by surety (names)_____. Address_____.
and_____. Address_____.
who justified by affidavit_____, 19____. Committed to_____.
on_____, 19____.

Certified to be a correct transcript.

Made this 8 day of January, 19 68.

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, January 8, 19 68.

Charles L. Burns

United States Commissioner.